



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: August 22, 2003

Expiration Date: September 21, 2003

Corps of Engineers Action ID: 200300025

Oregon Division of State Lands Number: RF0026501

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
CENWP-OP-GE (Mr. Dominic Yballe)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Copeland Sand and Gravel, Inc.
P.O. Box 608
Grants Pass, Oregon 97528-0261

Location: The site is at the confluence of the Applegate River, Mile 3, and Slate Creek. The site is in Section 31, Township 36 South, Range 6 West; and near the city of Grants Pass, Josephine County, Oregon.

Project Description: Copeland Sand and Gravel has requested authorization to discharge up to 350 cubic yards of rock into the Applegate River/Slate Creek to construct and stabilize a channel connecting a series of gravel pits to Slate Creek. The channel will be stabilized with riprap and planted with native riparian vegetation. The channel will serve as the downstream outlet to a series of gravel pits to be excavated in the 10-year floodplain but above the ordinary highwater mark (OHWM). The OHWM is the lateral extent of the Corps' jurisdiction absent adjacent wetlands.

The applicant also proposes to install a two-foot diameter culvert to facilitate the widening of the existing road over an intermittent drainage.

Purpose: The outlet channel will facilitate fish access to the reclaimed mining pits and provide fish passage from the pits in the event the leave-strip is overtopped, placing fish in the pits during high flows. Widening the road will improve access.

Drawings: There are eight (8) drawings attached with this Public Notice.

Additional Information: Additional information may be obtained from Mr. Dominic Yballe, Project Manager, U.S. Army Corps of Engineers at (541) 465-6894 or by e-mail at dominic.p.yballe@nwp01.usace.army.mil.

Authority: This permit will be issued or denied under the following:

Sections 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing that a public hearing be held to consider this application within the comment period specified in this notice. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity may affect endangered species or their critical habitat as designated under the Endangered Species Act (ESA) of 1973 (87 Stat. 844). A final permit decision will not be made until consultation has been completed with National Marine Fisheries (NOAA Fisheries) as required under Section 7 of the ESA.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200300025

Notice Issued: August 22, 2003

Oregon Division of State Lands Number: RF0026501 **Written Comments Due:** September 21, 2003

WHO IS THE APPLICANT: Copeland Sand and Gravel, Inc.
 P.O. Box 608
 Grants Pass, Oregon 97208-2946

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on September 21, 2003. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at deq.info@deq.state.or.us. Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

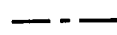


T

Legend



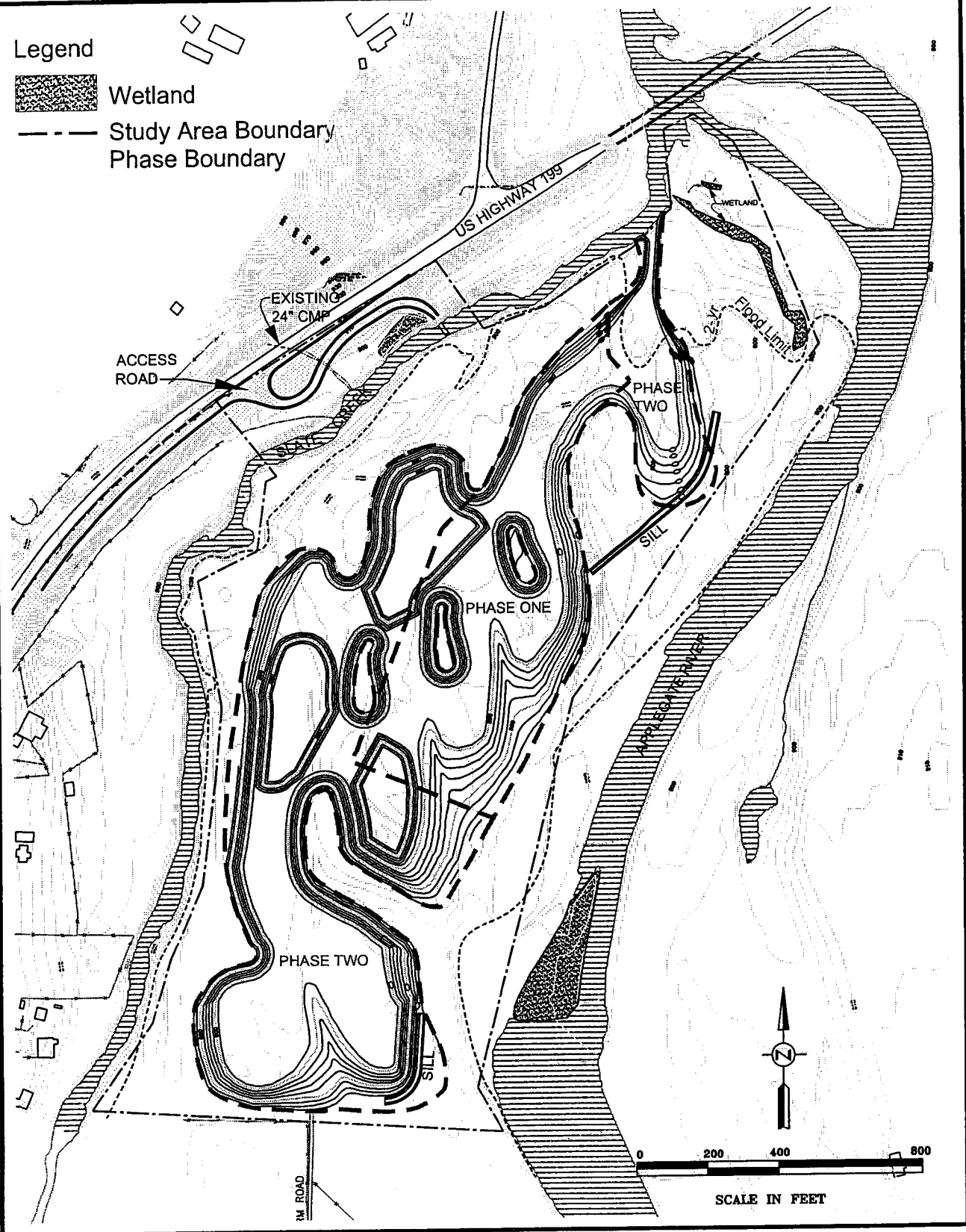
Wetland



Study Area Boundary



Phase Boundary



6/13/03

2484

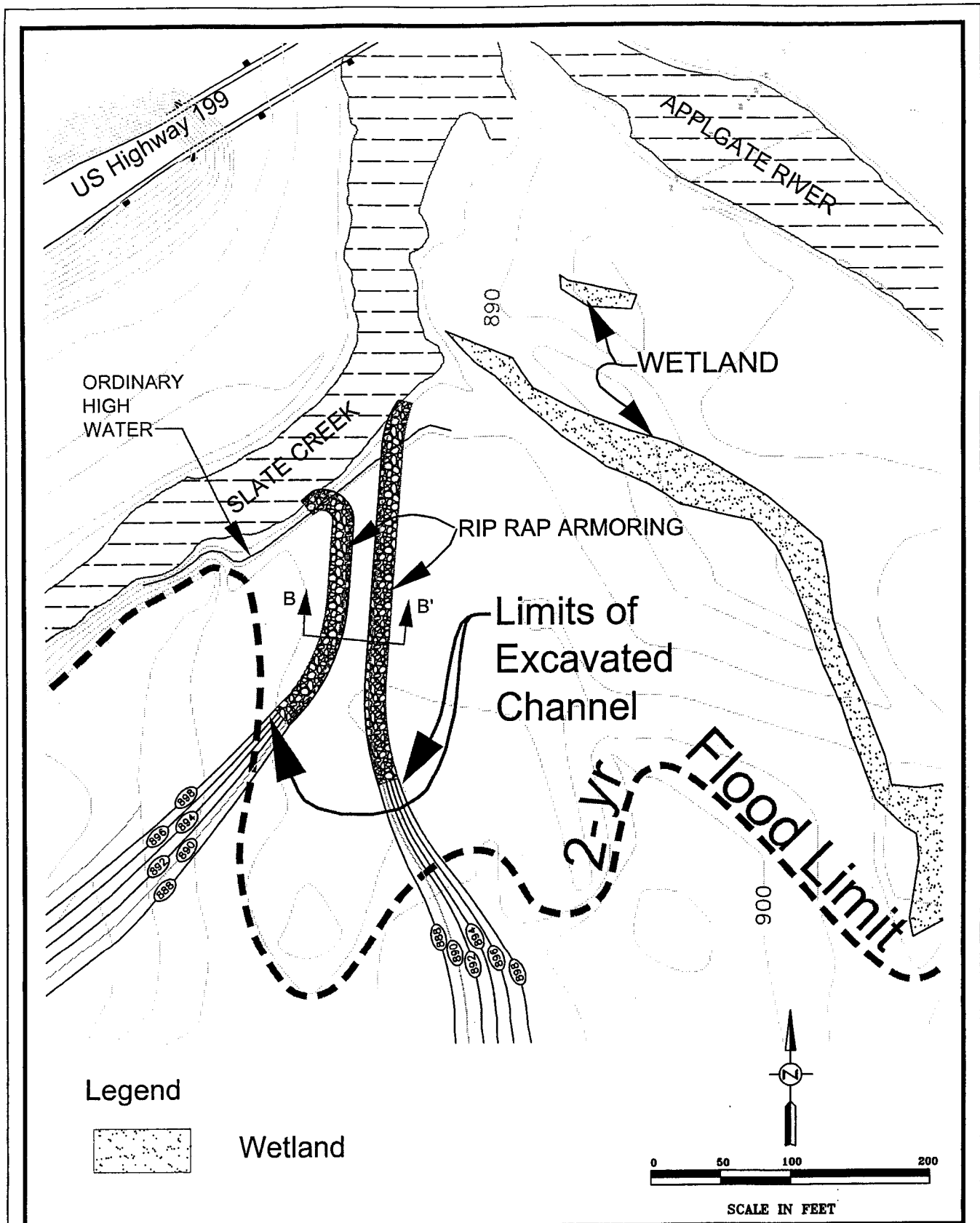


Location of mining phases, road construction and sills at the Boersma site in Josephine County, OR (base map provided by David J. Newton Associates, 2000). Survey accuracy is ± 0.1 foot.

Pacific Habitat Services, Inc.

FIGURE

7



6/13/03
2484

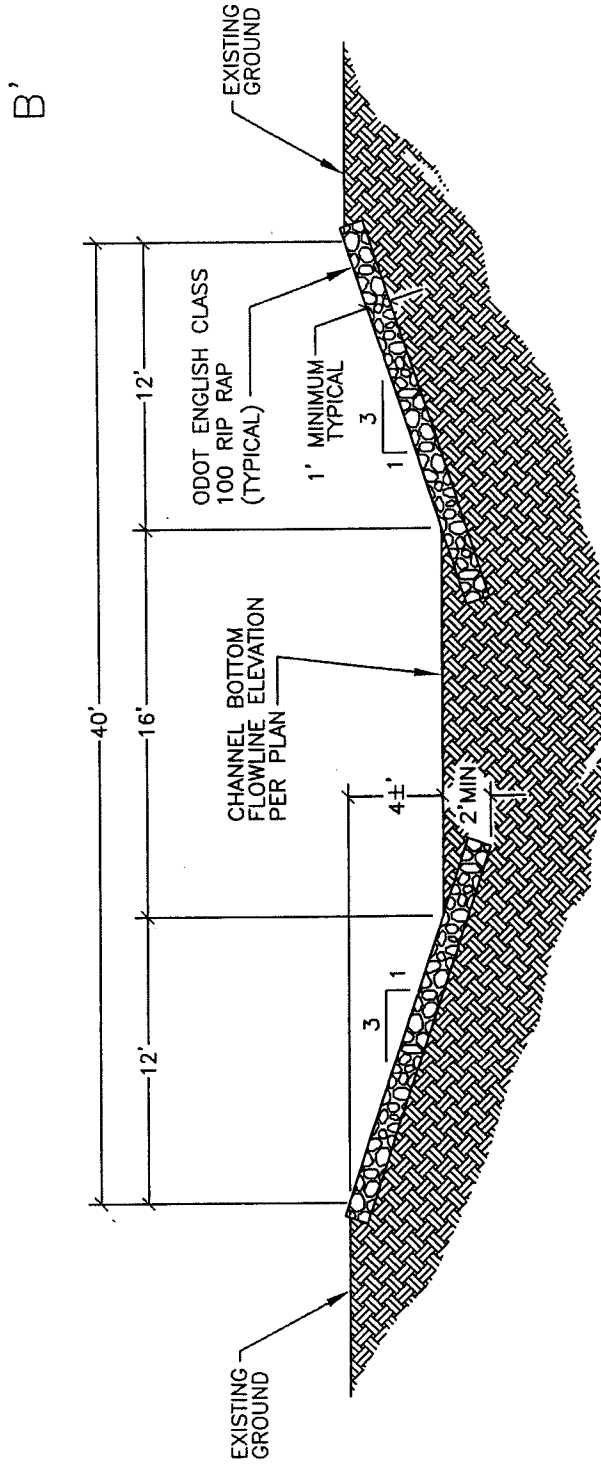


Limits of excavated channel showing no wetland impacts at the Boersma site in Josephine County, OR (base map provided by David J. Newton Associates, 2000).

Pacific Habitat Services, Inc.

FIGURE

11



MINING PIT OUTLET CHANNEL

SCALE: 1" = 8'

FIGURE
12

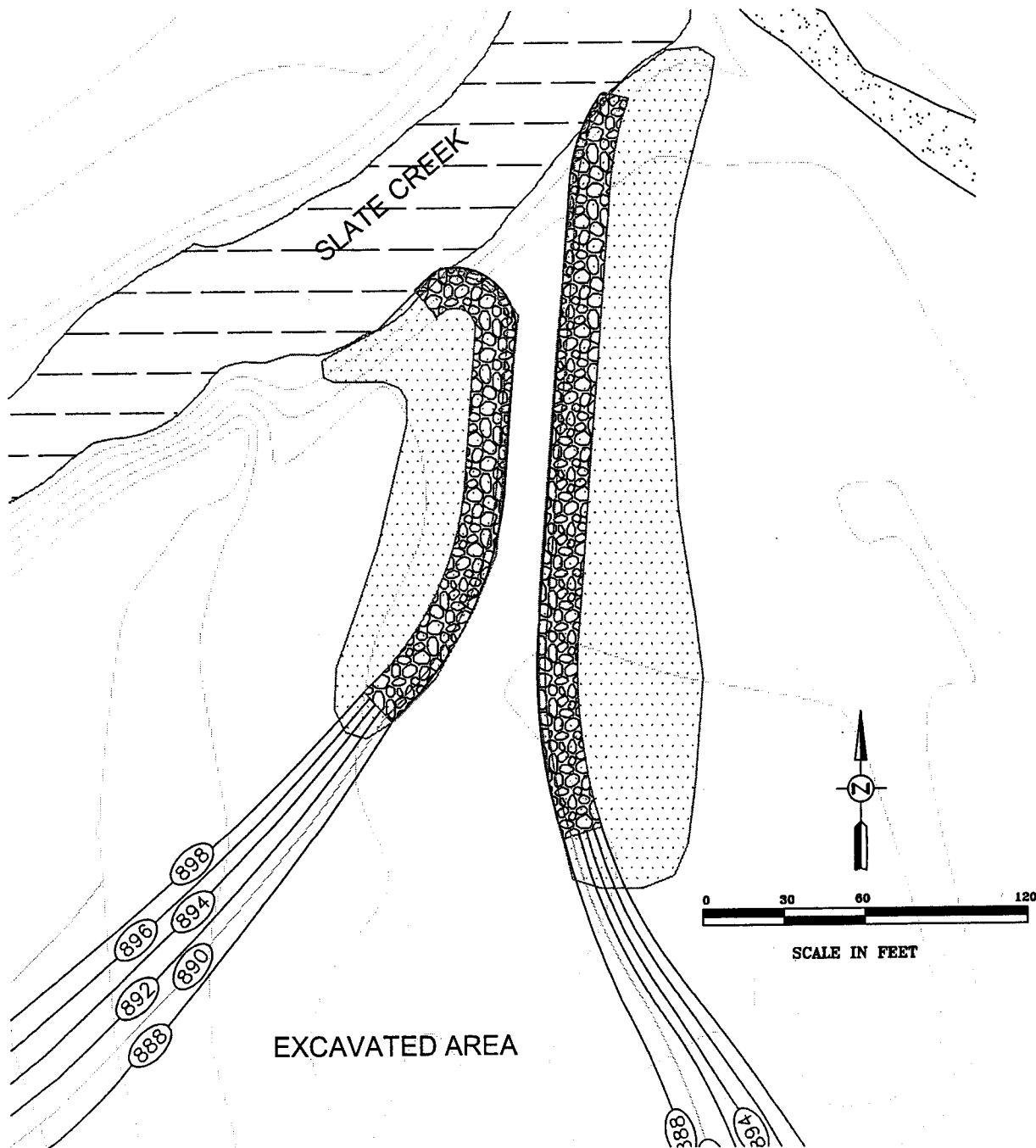
Typical cross-section of excavated channel at the Boersma aggregate site in Josephine County, OR (cross section provided by Newton Consultants, Inc., 2003).

2484
6/13/03



Pacific Habitat Services, Inc.

PROPOSED PLANTS		
Scientific Name	Common Name	Quantity
<i>Salix lasiolepis</i>	arroyo willow	200
<i>Salix sessilifolia</i>	coyote willow	200
<i>Populus trichocarpa</i>	black cottonwood	25
Total		425



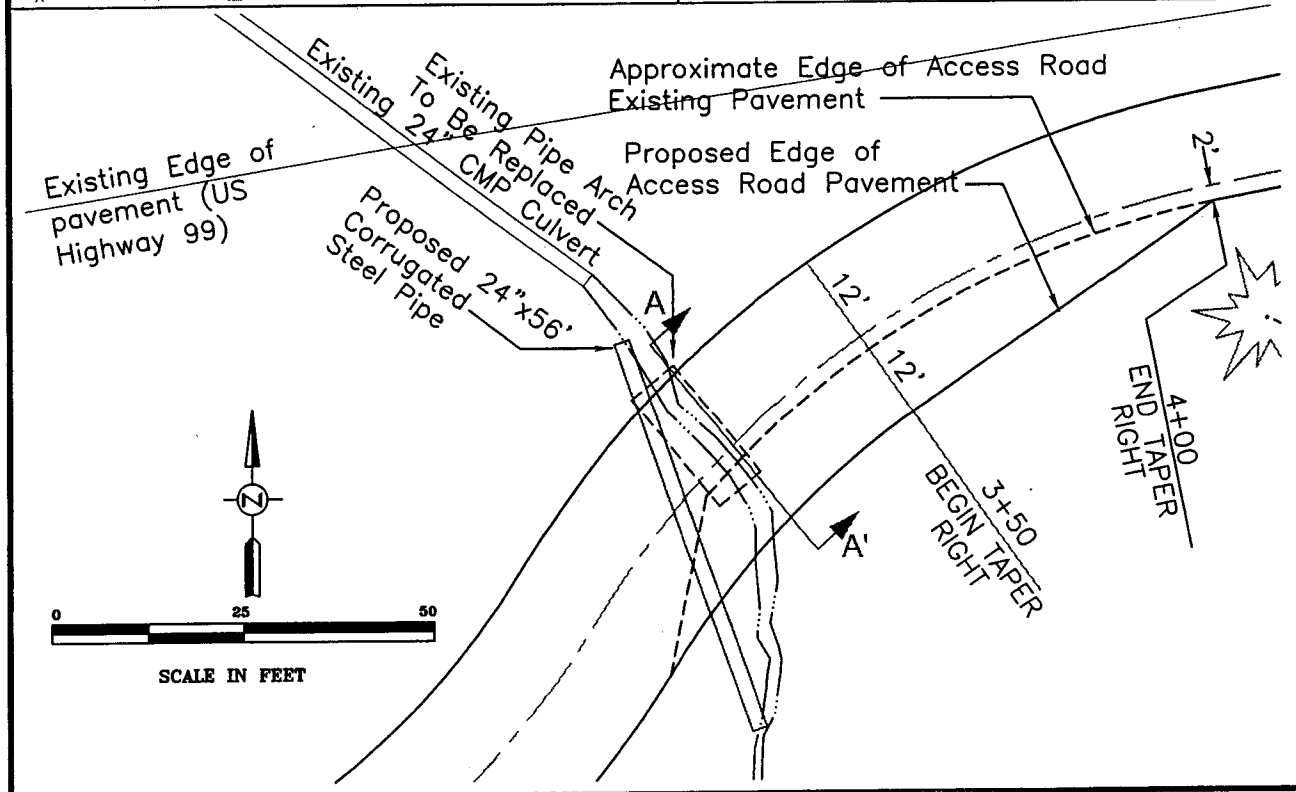
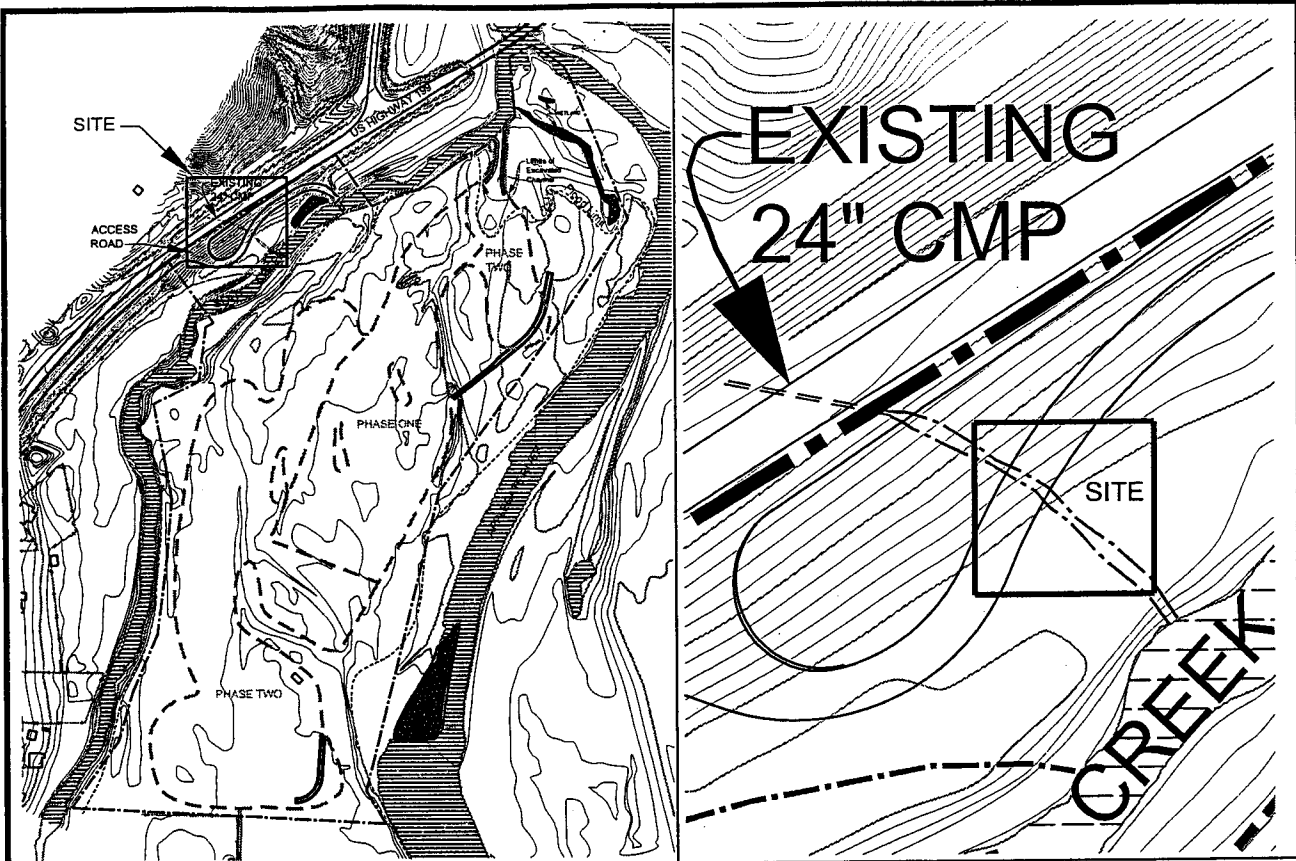
6/13/03
2484

Planting plan for the neck of the excavated channel at the Boersma site in Josephine County, OR (base map provided by David J. Newton Associates, 2000).

FIGURE
13



Pacific Habitat Services, Inc.



6/13/03
2484

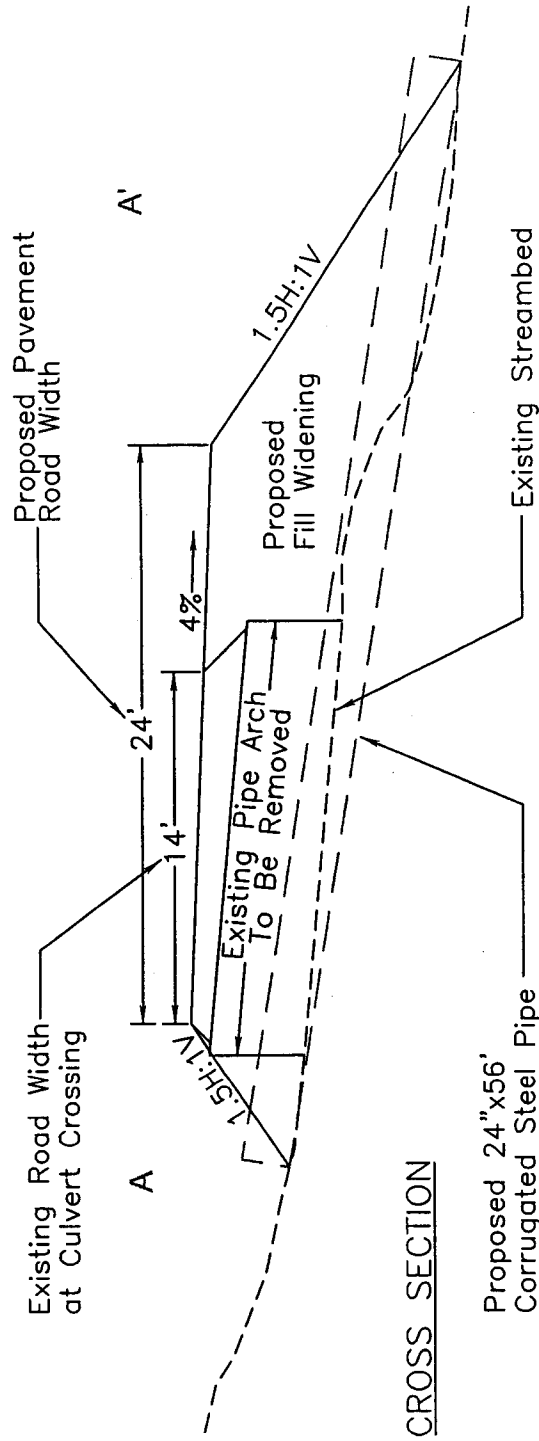


Culvert replacement for the access road at the Boersma site in Josephine County, OR (base map provided by David J. Newton Associates, 2000). Survey accuracy is ± 0.1 foot.

Pacific Habitat Services, Inc.

FIGURE

14



SCALE:
1" = 8'

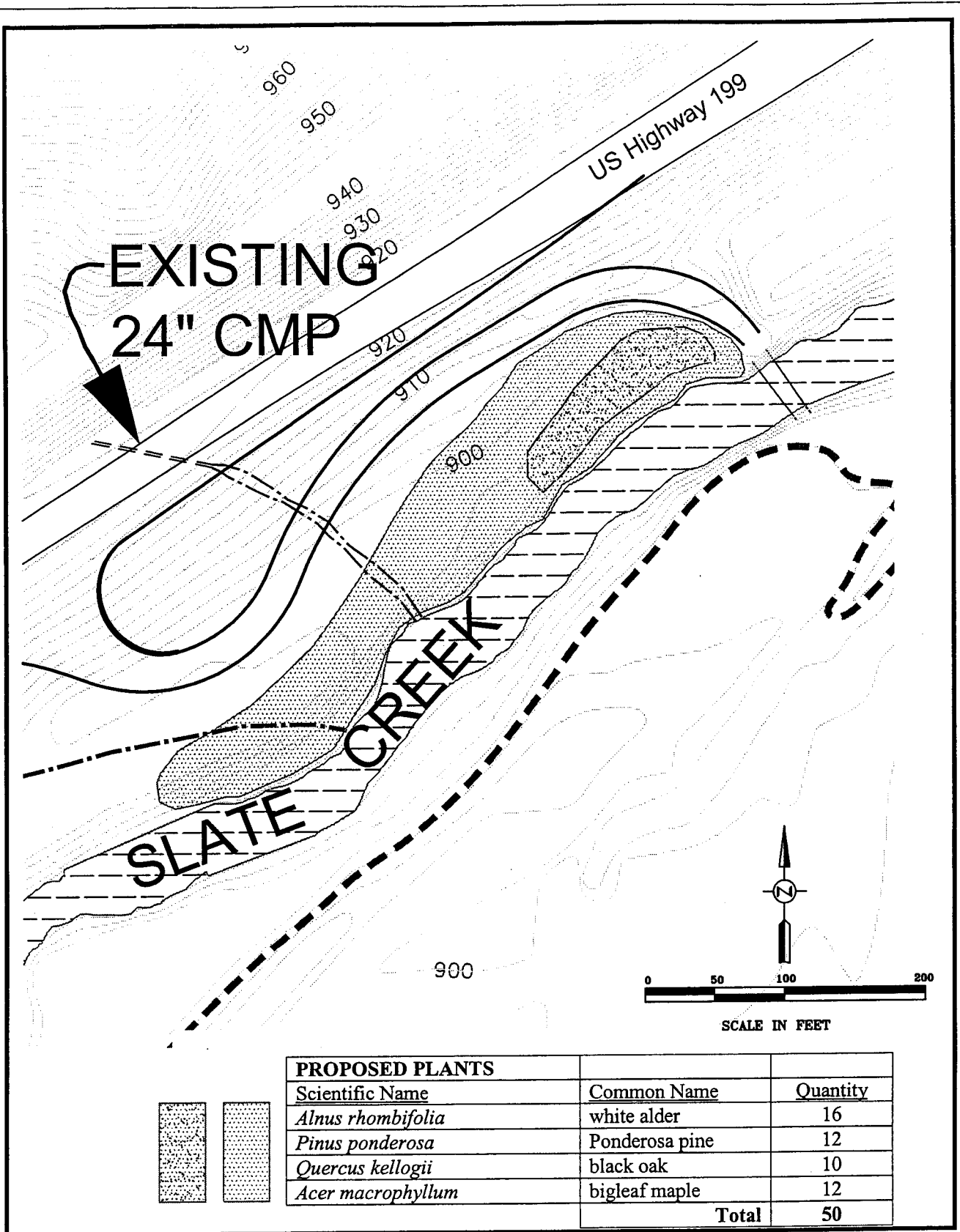
Cross-section of the culvert replacement on the access road at the Boersma aggregate site in Josephine County, OR (cross section provided by Newton Consultants, Inc., 2003).

FIGURE
15

Pacific Habitat Services, Inc.

2484
6/13/03





6/13/03

2484



Proposed riparian enhancement plan compensating for the impacts to the intermittent channel at the Boersma site in Josephine County, OR (base map provided by David J. Newton Associates, 2000).

Pacific Habitat Services, Inc.

FIGURE

16

PLANTING AREA A			
Scientific Name	Common Name	Size	Quantity
<i>Alnus rhombifolia</i>	white alder	12-24"	650
<i>Populus trichocarpa</i>	black cottonwood	12-24"	800

PLANTING AREA B			
Scientific Name	Common Name	Size	Quantity
<i>Alnus rubra</i>	red alder	12-24"	400
<i>Salix sessilifolia</i>	northwest willow	12-24"	300

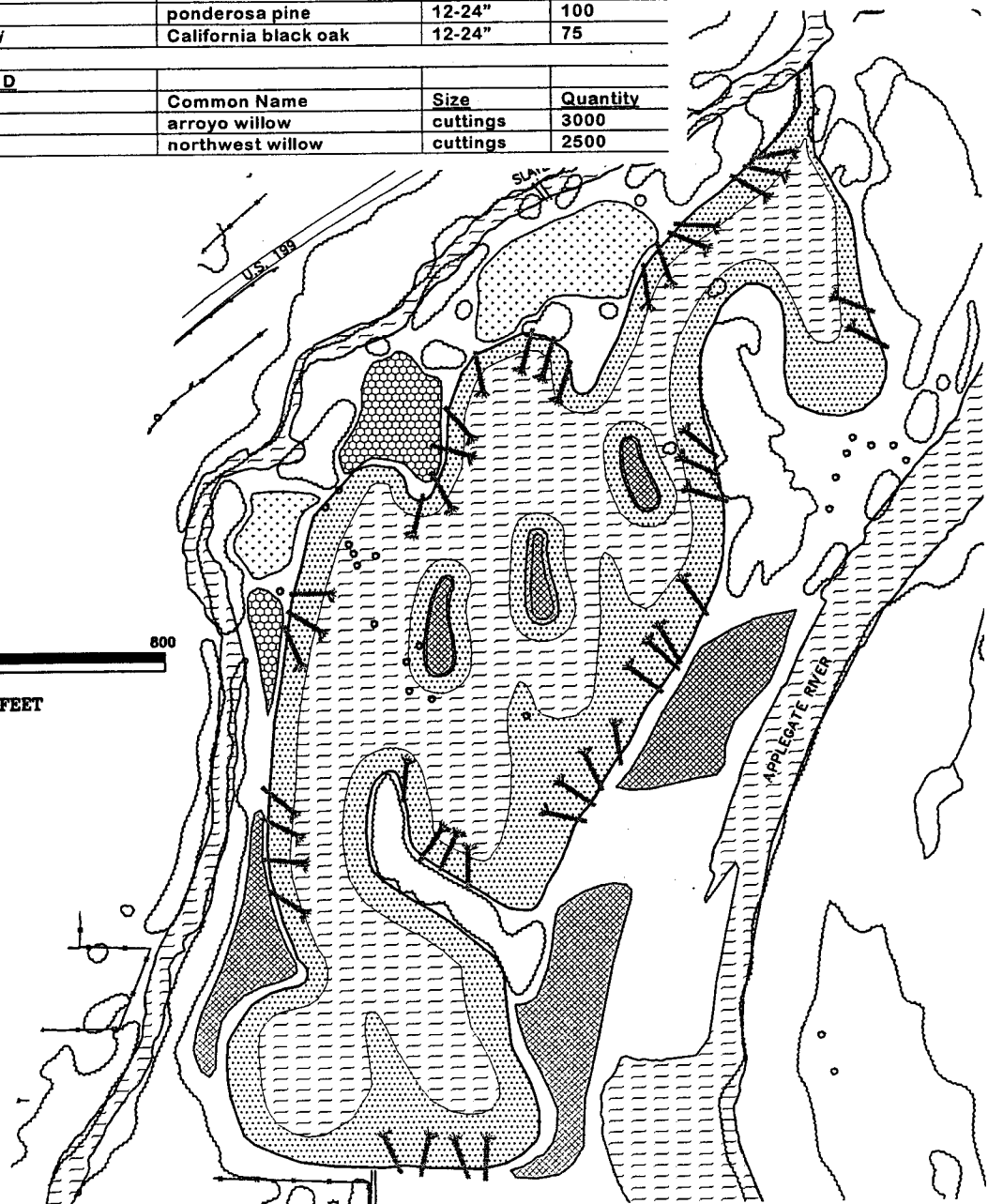
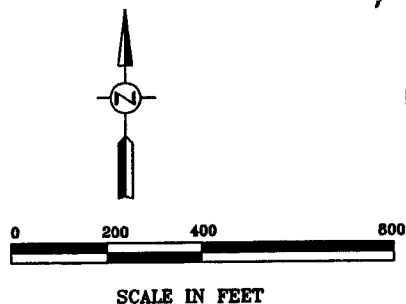
PLANTING AREA C			
Scientific Name	Common Name	Size	Quantity
<i>Acer macrophyllum</i>	big-leaf maple	12-24"	100
<i>Alnus rhombifolia</i>	white alder	12-24"	250
<i>Pinus ponderosa</i>	ponderosa pine	12-24"	100
<i>Quercus kelloggii</i>	California black oak	12-24"	75

PLANTING AREA D			
Scientific Name	Common Name	Size	Quantity
<i>Salix lasiolepis</i>	arroyo willow	cuttings	3000
<i>Salix sessilifolia</i>	northwest willow	cuttings	2500

Approximate Location of Large Woody Material

Open Water

Limit of Mining Activity



6/13/03
2484



Reclamation at the Boersma site in Josephine County,
OR (base map provided by David J Newton
Associates, 2000).

Pacific Habitat Services, Inc.

FIGURE

17